

APPEAL

**U.S. Bankruptcy Court  
Eastern District of New York (Central Islip)  
Adversary Proceeding #: 8–20–08051–ast**

*Assigned to:* Judge Alan S. Trust  
*Lead BK Case:* 18–71748  
*Lead BK Title:* Orion Healthcorp, Inc.  
*Lead BK Chapter:* 11  
*Demand:* \$5000000

*Date Filed:* 03/14/20

*Nature[s] of Suit:* 13 Recovery of money/property – 548 fraudulent transfer

***Plaintiff***

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**Howard M. Ehrenberg, in his capacity  
as Liquidating Trustee of Orion  
Healthcorp, Inc., et al**

represented by **Jeffrey P Nolan**  
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**LEAD ATTORNEY**

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V.

***Defendant***

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**Elena Sartison**

represented by **Albert Y. Dayan**  
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**LEAD ATTORNEY**

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Email: [dayanlaw@aol.com](mailto:dayanlaw@aol.com)**Defendant**  
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**2 River Terrace Apartment 12J, LLC** represented by **Maryam N Hadden**  
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**Defendant**  
-----

**Clodagh Bowyer Greene a/k/a Clodagh Bowyer** represented by **J Ted Donovan**  
 Goldberg Weprin Finkel Goldstein LLP  
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**Defendant**  
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**Elliott Greene** represented by **J Ted Donovan**  
 (See above for address)

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
03/22/2021	<u>75</u>	Appellant Designation of Contents For Inclusion in Record On Appeal <i>to District Court Dkt 21-cv-01239</i> Filed by Maryam N Hadden on behalf of 2 River Terrace Apartment 12J, LLC (RE: related document(s) <u>69</u> Notice of Appeal filed by Defendant 2 River Terrace Apartment 12J, LLC). Appellee designation due by 04/5/2021. (Attachments: # <u>1</u> Certification of Service)(Hadden, Maryam) (Entered: 03/22/2021)
04/05/2021	<u>76</u>	Appellee Designation of Contents for Inclusion in Record of Appeal Filed by Jeffrey P Nolan on behalf of Howard M. Ehrenberg (RE: related document(s) <u>69</u> Notice of Appeal filed by Defendant 2 River Terrace Apartment 12J, LLC). (Attachments: # <u>1</u> Certificate of Service)(Nolan, Jeffrey) (Entered: 04/05/2021)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----	:	
2 RIVER TERRACE APARTMENT 12J, LLC,	:	
	:	
Appellant,	:	
	:	Dkt. No. 21-cv-01239(JMA)
v.	:	
	:	
HOWARD M. EHRENBERG IN HIS	:	<b>APPELLANT'S DESIGNATION</b>
CAPACITY AS LIQUIDATING TRUSTEE	:	<b>OF RECORD AND STATEMENT</b>
OF ORION HEALTHCORP, INC., et al.,	:	<b>OF ISSUES ON APPEAL FROM</b>
	:	<b>BANKRUPTCY COURT</b>
	:	
Appellee.	:	
-----	:	

**DESIGNATION OF RECORD**

Bankruptcy Docket No.	Date Entered in the Bankruptcy Docket	Description or Document or Transcript
64	3/1/2021	Order on Motion for Summary Judgment
42	12/1/2020	Motion for Summary Judgment
43	12/1/2020	Statement of Undisputed Facts
44	12/1/2020	Affidavit in Support
45	12/1/2020	Affidavit in Support
46	12/1/2020	Request for Separate Notice
47	12/3/2020	Amended Notice of Presentment of Order
50	12/30/2020	Memorandum of Law in Opposition
51	12/30/2020	Statement of Undisputed Facts
52	1/6/2021	Reply
53	1/6/2021	Affidavit in Support
54	1/6/2021	Affidavit in Support
55	1/6/2021	Statement of Undisputed Facts - Joint
56	1/6/2021	Motion to Strike
58	1/8/2021	Notice of Submission of Proposed Order
	1/21/2021	Transcript of Hearing
	2/9/2021	Transcript of Hearing/Decision
1	3/14/2020	Complaint
41	11/24/2020	Answer to Complaint

## STATEMENT OF ISSUES

1. Whether the Bankruptcy Court erred in relying upon a New York State statutory presumption of insolvency in order to grant Appellee's summary judgment motion when the issue of actual solvency was disputed by the parties.

2. Whether the Bankruptcy Court abused its discretion by striking Appellant's supporting materials rather than allowing Appellant a further opportunity to properly support Appellant's assertions of fact when Appellant offered to do so pursuant to Fed. R. Civ. Pro. 56.

Dated: New York, New York  
March 22, 2021

By: /s/Maryam N. Hadden  
Maryam N. Hadden, Esq.  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----	:	
2 RIVER TERRACE APARTMENT 12J, LLC,	:	
	:	
Appellant,	:	
	:	Dkt. No. 21-cv-01239(JMA)
v.	:	
	:	
HOWARD M. EHRENBERG IN HIS	:	<b>APPELLANT’S DESIGNATION</b>
CAPACITY AS LIQUIDATING TRUSTEE	:	<b>OF RECORD AND STATEMENT</b>
OF ORION HEALTHCORP, INC., et al.,	:	<b>OF ISSUES ON APPEAL FROM</b>
	:	<b>BANKRUPTCY COURT</b>
	:	
Appellee.	:	
-----	:	

**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 22, 2021, a copy of Appellant’s Designation of Record and Statement of Issues on Appeal from Bankruptcy Court, was served by depositing same, enclosed in a properly addressed postage-paid envelope, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, upon:

Ilan D. Scharf  
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780 Third Avenue, 34<sup>th</sup> Floor  
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Jeffrey P. Nolan  
Pachulski Stang Ziehl & Jones, LLP  
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J. Ted Donovan  
Goldberg Weprin Finkel Goldstein LLP  
1501 Broadway  
New York, NY 10036

Albert Y. Dayan  
80-02 Kew Gardens Road, Suite 902  
Kew Gardens, NY 11415

Dated: New York, New York  
March 22, 2021

By: /s/Maryam N. Hadden  
Maryam N. Hadden, Esq.  
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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----	:	
In re:	:	Chapter 11
	:	
ORION HEALTHCORP, INC <sup>1</sup> .	:	Case No. 18-71748 (AST)
	:	
----- Debtors. -----	:	(Jointly Administered)
	:	
HOWARD M. EHRENBERG IN HIS	:	
CAPACITY AS LIQUIDATING TRUSTEE OF	:	Adv. Pro. No. 20-08051 (AST)
ORION HEALTHCORP, INC., ET AL.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ELENA SARTISON; 2 RIVER TERRACE	:	
APARTMENT 12J, LLC; CLODAGH BOWYER	:	
GREENE A/K/A CLODAGH BOWYER;	:	
ELLIOTT GREENE,	:	
	:	
----- Defendants. -----	:	

**APPELLEE, HOWARD M. EHRENBERG'S COUNTER-DESIGNATION OF  
ADDITIONAL ITEMS TO BE INCLUDED IN RECORD & ISSUES ON APPEAL**

Pursuant to Federal Rule of Bankruptcy Procedure 800(a)(2), Appellee Howard M. Ehrenberg, hereby makes the following Counter-Designation of Issues On Appeal and Counter-Designation of additional items to be included in the record on appeal in addition to the Designation Of Record filed by Appellant [Dkt. No. 75] in connection with the *Notice of Appeal*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Orion Healthcorp, Inc. (7246); Constellation Healthcare Technologies, Inc. (0135); NEMS Acquisition, LLC (7378); Northeast Medical Solutions, LLC (2703); NEMS West Virginia, LLC (unknown); Physicians Practice Plus Holdings, LLC (6100); Physicians Practice Plus, LLC (4122); Medical Billing Services, Inc. (2971); Rand Medical Billing, Inc. (7887); RMI Physician Services Corporation (7239); Western Skies Practice Management, Inc. (1904); Integrated Physician Solutions, Inc. (0543); NYNM Acquisition, LLC (unknown) Northstar FHA, LLC (unknown); Northstar First Health, LLC (unknown); Vachette Business Services, Ltd. (4672); Phoenix Health, LLC (0856); MDRX Medical Billing, LLC (5410); VEGA Medical Professionals, LLC (1055); Allegiance Consulting Associates, LLC (7291); Allegiance Billing & Consulting, LLC (7141); New York Network Management, LLC (7168). The corporate headquarters and the mailing address for the Debtors listed above is 1715 Route 35 North, Suite 203, Middletown, NJ 07748.

filed by 2 River Terrace Apartment 12J, LLC (“Appellant”) in this case on March 22, 2021 [Dkt. No. 69]:

**I. Counter; Additional Issues on Appeal:**

Is The Judgment Granting Plaintiff’s Motion For Summary Judgment, In Part, as Against Defendant 2 River Terrace, Apt. 12 J, LLC a Final Appealable Order?

**II. Supplemental Designation of Record:**

	<b>Filing Date</b>	<b>Case No./ Docket No.</b>	<b>Item.</b>
1.	09/30/2020	21	Notice Of Presentment Of Motion For Entry Of Default And For Entry Of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
2.	09/30/2020	22	Request For Judicial Notice In Support Of Motion For Entry Of Default And For Entry Of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
3.	10/02/2020	23	Certificate of Service filed by Jeffrey Nolan on behalf of Howard Ehrenberg .re Notice and Motion for Entry of Default and For Entry of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC; and Request for Judicial Notice in Support of Motion for Entry of Default and For Entry of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
4.	10/02/2020	24	Affidavit of Service – Secretary of State service of Notice Of Presentment Of Motion For Entry Of Default And For Entry Of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
5.	10/25/2020	25	Notice Of Appearance And Demand For Service Of Papers For The Residential Board Of

	<b>Filing Date</b>	<b>Case No./ Docket No.</b>	<b>Item.</b>
			Managers Of Riverhouse One Rockefeller Park Condominium
6.	10/26/2020	31	Objection To Motion For Entry Of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
7.	11/03/2020	32	Reply In Support Of Plaintiff's Motion For Default Judgment Against Defendant, 2 River Terrace Apartment 12J, LLC
8.	11/03/2020	33	Affidavit Of Jeffrey P. Nolan In Support Of Reply Of Plaintiff's Motion For Default Judgment Against 2 River Terrace Apartment 12J, LLC
9.	11/03/2020	34	Affidavit Of La Asia S. Cauty In Support Of Reply Of Plaintiffs' Motion For Default Judgment Against 2 River Terrace Apartment 12J, LLC
10.	11/03/2020	35	Certificate Of Service filed by Jeffrey Nolan on behalf of Howard M. Ehrenberg re Plaintiff's Reply in Support of Plaintiff's Motion for Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC; Affidavit of Jeffrey P. Nolan in Support of Reply of Plaintiff's Motion for Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC; and Affidavit of La Asia S. Cauty in Support of Reply of Plaintiff's Motion for Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
11.	11/09/2020	36	Order And Notice Of Hearing
12.	11/16/2020	37	Order Denying Motion For Entry Of Default And For Entry Of Default Judgment Against Defendant 2 River Terrace Apartment 12J, LLC
13.	01/07/2021	57	Certificate of Service filed by Jeffrey Nolan on behalf of Howard M. Ehrenberg re Reply filed by



	Filing Date	Case No./ Docket No.	Item.
			Plaintiff Howard M. Ehrenberg; Affidavit in Support filed by Howard M. Ehrenberg; Affidavit in Support filed by Howard M. Ehrenberg; Statement of Undisputed Facts filed by Plaintiff Howard M. Ehrenberg; Motion to Strike filed by Plaintiff Howard M. Ehrenberg
14.	01/25/2021	60	Notice of Hearing To Issue Ruling On Plaintiff's Motion For Summary Judgment Or In The Alternative Summary Adjudication Against Defendant 2 River Terrace Apartment 12J, LLC.
15.	02/17/2021	62	Notice of Submission of Proposed Order Filed by Howard M. Ehrenberg
16.	02/23/2021	63	Letter re: Proposed Judgment Filed by Jeffrey P. Nolan on behalf of Howard M. Ehrenberg

Dated: New York, New York  
April 5, 2021

/s/ Jeffrey P. Nolan

Ilan D. Scharf, Esq.

Jeffrey P. Nolan, Esq. (admitted *pro hac vice*)

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Facsimile: (212) 561-7777

Counsel for the Appellee/Plaintiff

Howard M. Ehrenberg in his capacity as

Liquidating Trustee of Orion Healthcorp, Inc., *et al.*

**CERTIFICATE OF SERVICE**

STATE OF NEW JERSEY                    )  
   )  
 COUNTY OF SOMERSET                 )       ss.:

I, La Asia S. Canty, am over the age of eighteen years, and am employed by Pachulski Stang Ziehl & Jones LLP. I am not a party to the within action; my business address is 780 Third Avenue, 34th Floor, New York, New York 10017-2024.

On April 5, 2021, I caused a true and correct copy of the following document to be served via electronic mail and First Class US Mail upon the parties set forth on the service list annexed hereto as **Exhibit 1**:

➤ *Howard M. Ehrenberg’s Counter-Designation Of Items To Be Included In Record*

\_\_\_\_\_  
 /s/ La Asia S. Canty  
 La Asia S. Canty

**EXHIBIT 1**

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Greene and Elliott Greene*